

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

AMERICAN COPPER & BRASS, INC., a
Michigan corporation, individually and as
the representative of a class of similarly
situated persons,

Plaintiff,

No. 1:09-cv-1162
Judge Gordon J. Quist

v

LAKE CITY INDUSTRIAL PRODUCTS,
INC., and JEFFREY MEEDER

Defendants/Third-Party Plaintiffs,

v.

CAROLINE ABRAHAM, et al.

Third-Party Defendants.

**DEFENDANTS' MOTION FOR LEAVE TO FILE A RESPONSE
IN OPPOSITION TO PLAINTIFF'S MOTION TO AWARD ATTORNEYS'
FEES, AND RELATED NON-TAXABLE EXPENSES
PURSUANT TO FED. R. CIV. P. 54(d)(2)**

NOW COME Defendants, LAKE CITY INDUSTRIAL PRODUCTS, INC., and JEFFREY MEEDER ("Defendants"), by and through their attorneys, and pursuant to Western District of Michigan Local Rule 7.3(c), hereby move this honorable Court for leave to file a Response in Opposition to Plaintiff's Motion to Award Attorneys' Fees, and Related Non-Taxable Expenses Pursuant to Fed. R. Civ. P. 54(d)(2). In support of their motion, Defendants state as follows:

1. All parties appearing have conferred pursuant to Western District of Michigan Local Rule 7.1(d). Plaintiff has indicated that it does oppose this motion.

2. Plaintiff filed its Motion to Award Attorneys' Fees, and Related Non-Taxable Expenses Pursuant to Fed. R. Civ. P. 54(d)(2) on July 26, 2013.

3. Plaintiff's Motion does not set forth the proper six factor test for determining the reasonableness of proposed attorneys' fee awards as required by the Sixth Circuit.

4. Defendants wish to file a Response in Opposition to Plaintiff's Motion to Award Attorneys' Fees, and Related Non-Taxable Expenses Pursuant to Fed. R. Civ. P. 54(d)(2). Per Western District of Michigan Local Rule 5.7(f), the response is attached hereto as Exhibit A.

5. This motion is not being brought to cause harassment or delay.

WHEREFORE, Defendants respectfully request this Court enter an order granting them leave to file a Response in Opposition to Plaintiff's Motion to Award Attorneys' Fees, and Related Non-Taxable Expenses Pursuant to Fed. R. Civ. P. 54(d)(2), and any other relief this Court deems just and proper.

Dated: August 9, 2013

Respectfully Submitted,

LAKE CITY INDUSTRIAL PRODUCTS, INC.,
and JEFFREY MEEDER

BY: /s/ Stephen J. Schlegel

Stephen J. Schlegel
One of their attorneys

Stephen J. Schlegel ARDC # 2486903
Eryk A. Folmer ARDC # 6299786
Stephen J. Schlegel, Ltd.
111 W. Washington St., Suite 1020
Chicago, IL 60602
312-346-8385
sjschlegel@schlegelltd.com
erykfolmer@schlegelltd.com

Jules B. Olsman (P28958)
Stephanie L. Arndt (P66870)
2684 W. Eleven Mile Road
Berkley, MI 48076
(248) 591-2300
jbsolsman@olsmanlaw.com
sarndt@olsmanlaw.com

CERTIFICATE OF SERVICE

The undersigned certifies that on August 9, 2013 he electronically caused to be filed the foregoing **Defendants' Motion for Leave to File a Response in Opposition to Plaintiff's Motion to Award Attorneys' Fees, and Related Non-Taxable Expenses Pursuant to Fed. R. Civ. P. 54(d)(2)** with the Clerk of the Court through the District Court's Case Management/Electronic Case Filing System, which provides notice and service of each electronic filing to each of the below named individuals.

Brian J. Wanca
Phillip A. Bock
Jason Thompson

(bwanca@andersonwanca.com)
(phil@bockhatchllc.com)
(jthompson@sommerspc.com)

/s/ Stephen J. Schlegel

Stephen J. Schlegel ARDC # 2486903
Eryk A. Folmer ARDC # 6299786
Stephen J. Schlegel, Ltd.
111 W. Washington St., Suite 1020
Chicago, IL 60602
312-346-8385
sjschlegel@schlegelltd.com
erykfolmer@schlegelltd.com

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jbsolsman@olsmanlaw.com
sarndt@olsmanlaw.com